

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 14234 of Historic D.C. Property Group III, pursuant to Sub-section 8207.11 of the Zoning Regulations, for variances from the minimum lot area requirements (Sub-section 3301.1) and from the prohibition against a required parking space measuring less than nine feet by nineteen feet (Sub-section 7204.11) to convert a single family residence to a four unit apartment house in an R-4 District at premises 642 Independence Avenue, S.E. (Square 870, Lot 98).

HEARING DATE: January 23, 1985

DECISION DATE: January 23, 1985 (Bench Decision)

FINDINGS OF FACT:

1. The subject site is located mid-block on the north side of Independence Avenue between 6th and 7th Streets, S.E. The site is bounded on the north by a public alley known as Brown's Court. The premises are known as 642 Independence Avenue, S.E. The site is in an R-4 District which is located in the Capitol Hill Historic District.

2. The subject property is rectangular in shape. It contains 3,325.11 square feet of land area. The site has 24.435 feet of frontage along Independence Avenue, and 136.08 feet of depth to Brown's Court.

3. The subject building was constructed around 1900. It was previously used as a four-unit residential apartment building. The prior owner failed to obtain a certificate of occupancy for that use.

4. The structure contains an English basement and three floors. The first and second floors each contain over 1,200 square feet. A combined first floor and basement unit would contain over 2,800 square feet. The top floor contains 730 square feet.

5. The site is adjoined by rowhouses which are two and three stories in height and a low-rise apartment building. On the south across Independence Avenue, building heights and types are essentially similar except for a small commercial building occupied by an automobile repair shop.

6. The subject square is traversed by an alley known as Brown's Court which runs east-west and divides the square in half. Independence Avenue is an eastbound one-way

street. Approximately two hundred feet to the southeast, there is a C-2-A District in which the Eastern Market, restaurants, retail stores and other commercial establishments are located.

7. The applicant proposes to renovate the entire structure and to create four apartment units. Three apartments will contain two bedrooms and one apartment will have one bedroom. All units will be rented.

8. The applicant proposes to remodel and carefully restore the building according to U.S. Department of Interior historic preservation standards. The applicant intends for the project to contribute to the character of the Capitol Hill Historic District. The project will provide additional rental housing in furtherance of the D.C. Comprehensive Plan policy to increase the city's housing supply. The building in its current state is frequented by vagrants and as such is a detriment to the community.

9. Under Sub-section 3301.1 of the Zoning Regulations, in an R-4 District for the conversion of a structure to an apartment house, there must be 900 square feet of lot area provided for each unit. The subject lot contains 3,325.11 square feet, whereas 3,600 square feet is required for four units. A variance from the minimum lot area requirements of 274.89 square feet is required.

10. The applicant is also required to provide one on-site parking space measuring nine feet by nineteen feet. The applicant proposes to provide three parking spaces on-site that will each measure eight feet by nineteen feet.

11. The architect for the applicant testified that because of the central placement of the staircase in the original structure and the applicant's desire to retain the aesthetic and historic integrity of the building, no other configuration for the apartments was feasible. The witness further testified that the exceptional size of the structure in comparison to the surrounding dwellings in the square makes single family use impractical for the structure because of prohibitive costs in operation and maintenance. Additionally, a subdivision of the space into three units would result in unusually large apartment units which would not be marketable as rental units. The Board so finds.

12. The Office of Planning, by report dated January 16, 1985, and testimony at the public hearing, recommended approval of the application for the following reasons:

- A. The applicant's intent was to legalize the existing four unit apartment building use which has been in place for some time with no adverse area impact.

- B. The proposed use is in furtherance of one of the policies of the adopted D.C. Comprehensive Plan (D.C. Law 5-75) which is to increase the housing supply in the City.
- C. In accordance with the Zoning Regulations, only one parking space is required. The applicant is proposing to provide three parking spaces not meeting the required dimensions of the Regulations. The provision of three spaces would have a positive impact on the Capitol Hill Historic District where there is a shortage of curb parking.
- D. The proposal does not impair the intent, purpose, and integrity of the zone plan.

The Board concurs with the recommendation of the Office of Planning.

13. Advisory Neighborhood Commission 6B, by letter dated January 9, 1985, advised that it has supported the application. The ANC cited significant neighborhood support, particularly for the parking variance, which would lessen the parking congestion in the immediate vicinity. The Board concurs with the recommendation of the ANC.

14. The Capitol Hill Restoration Society, by letter of January 22, 1985, set forth its support of the application, stating that the minimum lot area variance is warranted. As its reason, the Society stated that other R-4 lots in the immediate vicinity have greater density. Additionally, the owner is required to provide only one parking space in order to comply with the Zoning Regulations but instead is seeking a variance in order to provide additional off-street parking which will relieve curb parking in the area. Finally, wide neighborhood support of the project influenced its decision. The Board concurs.

15. Several neighboring residents of the project spoke in support of the project at the public hearing and submitted letters in support for the record. The grounds were the same as cited above. In addition, the supporters were of the opinion that it was beneficial to the neighborhood to have the structure occupied.

16. No one appeared in opposition to the application at the public hearing or of record.

CONCLUSIONS OF LAW AND OPINION:

Based on the findings of fact and the evidence of the record, the Board concludes that the applicant is seeking two area variances. The granting of the variances is predicated upon a showing of a practical difficulty arising

out of some exceptional or extraordinary situation or condition of the property.

The Board concludes that the applicant has met the burden of proof. As to the minimum lot area requirements, the Board concludes that the subject structure was built prior to the adoption of the 1958 Zoning Regulations and that the subject building and lot are much larger than comparable buildings or lots. A practical difficulty exists in attempting to reasonably use such buildings and structures under the Zoning Regulations. In addition, the previous apartment use of the scale requested by the applicant, even though not lawfully permitted, has not adversely effected the surrounding area.

As to the parking space dimension requirement, the Board concludes that the applicant is required to provide only one parking space. By the provision of three spaces, parking and traffic in the area will be less impacted. The narrow width of the lot creates a practical difficulty because three nine foot by nineteen foot spaces cannot be provided in a twenty-four foot wide lot.


The Board further concludes that the requested relief can be granted without causing substantial detriment to the public good. The additional apartment units will add to the City's housing supply in furtherance of the policies of the City. The provision of three parking spaces instead of the required one space will relieve curb parking in the congested Capitol Hill Historic Area. The strong showing of community support at the public hearing and through the record reflects the positive reception the project has within the community.

The Board is further of the opinion that the relief can be granted without substantially impairing the intent, purposes and integrity of the zone plan. The Board concludes that it has accorded to the Advisory Neighborhood Commission the "grant weight" to which it is entitled. Accordingly, it is ORDERED that the application is hereby GRANTED.

VOTE: 4-0 (Charles R. Norris, Patricia N. Mathews, Douglas J. Patton and William F. McIntosh to grant, Carrie L. Thornhill not present, not voting).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:


STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: _____

20 MAR 1985

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

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